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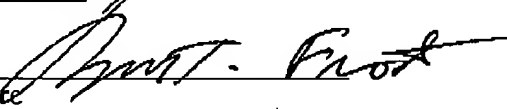| Mail Stop Appeal Brief-Patents Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450	FROM: Roger T. Frost, Esq.
	OUR REF: 60001.0005US01/MS154627.1
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Total pages, including cover letter: **18**

    PTO FAX NUMBER 1-571-273-8300

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    Title of Document Transmitted: <u>Amended Brief on Appeal</u>
    Applicant: <u>Marise Chan, et al.</u>
    Serial No.: <u>09/755,863</u>
    Filed: <u>January 5, 2001</u>
    Group Art Unit: <u>2178</u>
    Our Ref. No. <u>60001.0005US01/MS154627.1</u>

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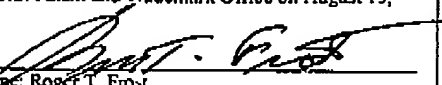
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S/N 09/755,863

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Marise Chan, et al.	Examiner:	Vaughn, Gregory J.
Serial No.:	09/755,863	Group Art Unit:	2178
Filed:	January 5, 2001	Docket No.:	60001.0005US01/MS154627.1
Title:	ENHANCED FIND AND REPLACE FOR ELECTRONIC DOCUMENTS		

CERTIFICATE UNDER 37 CFR 1.6(d):
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By:

Name: Roger T. Frost
Reg. No.: 22,176

AMENDED BRIEF ON APPEAL

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Appellants here submit an amended brief on appeal to the final rejection

dated January 11, 2006 in the patent application identified above. A Notice of Appeal

was filed May 15, 2006 and an Appeal Brief was filed on July 13, 2006.

This amended brief is submitted in response to the Notification (PTOL-462)

mailed July 31, 2006.

The fee required by 37 C.F.R. § 41.20(b)(2) should be charged to Deposit

Account No. 13-2725.

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REAL PARTY IN INTEREST

The real party in interest is Microsoft Corporation of Redmond, Washington. An

Assignment is of record in the application.

RELATED APPEALS AND INTERFERENCES

None

STATUS OF CLAIMS

Claim	Status
1	Cancelled
2	Rejected
3-4	Cancelled
5-7	Rejected
8-20	Cancelled
21-22	Rejected
23	Cancelled

Rejected claims 2, 5-7, 21, and 22 are being appealed.

A clean copy of Claims 2, 5-7, 21, and 22 involved in this appeal is attached as an

Appendix.

STATUS OF AMENDMENTS

An amendment cancelling Claim 23 was submitted with the Notice of Appeal.

That amendment has been entered.

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SUMMARY OF CLAIMED SUBJECT MATTER

Independent Method Claim 2

Claim 2 defines a computer-implemented method for populating a plurality of fields in a find dialog of a spreadsheet program by choosing plural formatting characteristics of a cell in the spreadsheet, and editing the plural fields in the find dialog to correspond to the plural formatting characteristics of the cell.

The plural formatting characteristics of the cell are chosen in response to moving a cursor over the cell containing those plural formatting characteristics and clicking a mouse button to select the cell. In response to selecting the cell, the formatting characteristics of that selected cell are determined and applied to a plurality of fields in the find dialog.

Details of the foregoing method are in the specification at page 13, lines 8-14; page 20, lines 17-25; and at page 26, line 15-page 27, line 2 with respect to Figure 16.

Independent Claim 22

Method Claim 22 defines a computer-implemented method for populating a plurality of fields defining certain formatting characteristics in a find dialog of a spreadsheet program. Plural formatting characteristics of a formatted cell in the spreadsheet are chosen by moving a cursor over that cell and clicking a mouse button to select the cell. In response to selecting the cell, the formatting characteristics of that cell are determined and populated to the fields in the find dialog of the spreadsheet program.

Details of the foregoing method are found in the specification at the locations identified above with regard to Claim 2, with particular reference to Figure 16. In that figure, clicking a mouse button to select the cell determines the active cell at 1615 and determines the formatting characteristics of the selected cell at 1620. Those determined

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formatting attributes are then populated to the fields of the find dialog box, at 1625 in

Figure 16.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I.   First Ground of Rejection

Claims 2 and 22 are rejected under 35 USC 103 (a) as being unpatentable over

Underdahl "*Using Quattro Pro 6 for Windows*" (hereinafter *Underdahl*) in view of

"*WordPerfect V6.1 User's Guide*" (hereinafter *WordPerfect*).

Regarding independent Claim 2, the rejection asserts that *Underdahl* discloses

moving a cursor over a cell in the spreadsheet containing a plurality of formatting

characteristics and clicking a mouse button to select the cell, whereby in response to

selecting the cell the formatting characteristics of the selected cell are determined and

applied to the plurality of fields in the dialog. The rejection also asserts that *WordPerfect*

teaches using a "Find/Replace" dialog which allows determining and editing formatting

characteristics. The rejection concludes that it would have been obvious, to one of

ordinary skill in the art, to enhance the "Find/Replace" dialog of *Underdahl* with the

format capabilities taught by *WordPerfect* in order to allow a search of spreadsheet cells

based upon text and formatting characteristics.

Independent Claim 22 is rejected using the same rationale as independent Claim

2.

II.   Second Ground of Rejection

Dependent Claims 5 and 21 are rejected under 35 USC § 103(a) as being

unpatentable over *Underdahl* in view of *WordPerfect*, and further in view of "*Corel*

Draw" (hereinafter *Corel*).

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Regarding dependent Claim 21, the rejection asserts that *Underdahl* discloses selecting an option for choosing formatting characteristics from a formatted cell in a spreadsheet. The rejection acknowledges that *Underdahl* and *WordPerfect* fail to disclose the cursor changing to a second shape, indicating to the user that selecting a cell will apply the attributes to the find dialog box. However, *Corel* is applied as teaching the user of a plurality of special-shape cursors that indicate to the user the special functionality currently associated with the special cursor shape. The rejection concludes that it would have been obvious to one of ordinary skill to use a special shaped cursor, as taught by *Corel*, with the find/replace dialog with cell selection with a mouse as allegedly taught by *Underdahl* and *WordPerfect* in order to provide a visual indicator to the user as to the currently-enabled function of the cursor.

Regarding dependent Claim 5, the rejection asserts that *Corel* teaches the shape of the cursor as an eyedropper and concludes that it would have been obvious to one of ordinary skill to use an eyedropper-shaped cursor, as taught by *Corel*, with the above-mentioned elements of *Underdahl* and *WordPerfect*.

III.   Third Ground of Rejection

Claims 6 and 7 are rejected under 35 USC § 103(a) as unpatentable over *Underdahl* in view of *WordPerfect* and *Corel*, and further in view of *Microsoft Excel 2000* as depicted in screen captures created by the Examiner (hereinafter *Excel*). The rejection applies *Underdahl* and *WordPerfect* substantially as in the First and Second Grounds, and admits that *Underdahl* and *WordPerfect* fail to disclose formatting characteristics comprising a plurality of number fields, a plurality of alignment fields, a plurality of font fields, a plurality of border fields, a plurality of pattern fields, or a plurality of protection fields. However, *Excel* is cited as disclosing characteristics

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comprising each of those fields. The rejection asserts that it would have been obvious to

one of ordinary skill to determine the formatting characteristics of *Underdahl*,

WordPerfect, and *Corel* with the cell format controls as taught by *Excel*, in order to use

all possible formatting characteristics of a cell for a searching function.

ARGUMENT

I.   **First Ground:** Rejection Under 35 U.S.C. § 103(a) over *Underdahl* in view of

WordPerfect

Claim 2

This rejection —and the two other grounds— relies on the Examiner's finding that

Underdahl discloses "moving a cursor over a cell in a spreadsheet... and clicking a mouse

button to select the cell, whereby... the formatting characteristics of the selected cell are

determined and applied to the plurality of fields of the [find] dialog". That finding is not

correct. In fact, *Underdahl* lacks support for that key portion of each ground of rejection

under appeal.

Page 193 of *Underdahl* states,

> "To change the display format of a cell or block, first highlight the cell or
>
> block, then click the right mouse button inside the cell or block... to open
>
> the Active Block Object Inspector dialog box. The Numeric Format pane
>
> is selected by default. If no numeric format has been assigned, the default
>
> General format is checked, as shown in Figure 6.7."

However, if a user chooses one of several specified formats, page 193 of

Underdahl then instructions the user to "type the number of decimal places in the text

box [of the dialog box] that appears after you choose one of these formats. *Quattro Pro*

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6... suggests a default of 2 decimal places, but you can type another number... Choose OK

to <u>confirm the dialog box and apply the format to the highlighted cell or block.</u>"

(emphasis added)

Underdahl thus discloses the following steps:

1) Highlight a cell or block;

2) Right-click the cell (or press F12) to open a dialog box;

3) Choose among several kinds of formats (unless General numeric is desired by default);

4) Type the desired formatting (e.g., decimal places) into the dialog box; and then

5) Choose OK to confirm the dialog box <u>and apply the formatting to the highlighted cell or block.</u>

Underdahl does <u>not</u> disclose a computer-implemented method to determine formatting characteristics of a selected cell and apply those formatting characteristics to fields in a dialog box <u>in response to selecting the cell,</u> as required by Claim 2. To the contrary, *Underdahl* discloses the mirror-opposite, namely, selecting a cell, opening (by right clicking) a dialog box referencing that selected cell, and then entering *in that dialog box* the formatting desired for the selected cell or block. The method disclosed by *Underdahl,* which requires the user to determine the desired formatting characteristics and apply them to the fields of the dialog box, is thus contrary to the recitation of Claim 2, namely, "whereby <u>in response to selecting the cell</u> the formatting characteristics <u>of the selected cell</u> are determined <u>and applied to the plurality of fields of the find dialog.</u>"

The Examiner has argued (Advisory Action dated April 25, 2006) that *Underdahl* shows how to apply formatting where there was none previously. Citing the statement on

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page 193 of *Underdahl* that "if no numeric format has been assigned, the default General

Format is checked", the Examiner asserts that statement "clearly demonstrates" that

whatever formatting is assigned to the cell (of *Underdahl*), that formatting information is

determined and shown in the dialog box. That argument, as best understood by the

Appellants, disregards the plain teaching of *Underdahl* and further highlights the

significant different between *Underdahl* and the method of Claim 2. Page 193 of

Underdahl actually shows that formatting inside the cell is determined by user-inputted

data to the dialog box. That user-inputted data is used to control the formatting of the

cell. The Numeric Format pane is the default setting and applies a default format to the

selected cell, if no numeric format has been assigned. However, if the user checks one of

several specific numeric formats and then types the number of decimal places in the text

box after choosing that format, *Underdahl* applies that user-inputted format to the

highlighted cell or block after the user chooses OK to confirm the dialog box. Thus, in

Underdahl, the formatting of the selected cell does not drive the contents of the dialog

box, but rather, the contents of the dialog box drives the formatting of the cell. This

teaching of *Underdahl* is contrary to the requirements of independent Claim 2 where, in

response to selecting a cell, the formatting characteristics of that cell are determined and

applied to the fields in the find dialog. Those features of the claim simply are missing

from *Underdahl*.

The rejection cites *WordPerfect* for teaching the use of a "Find/Replace" dialog

which allows the determination and editing of formatting characteristics. The rejection

then concludes that it would have been obvious to "enhance" the Find/Replace dialog of

Underdahl with format capabilities taught by *WordPerfect* to allow a search of

spreadsheet cells based upon text and formatting characteristics. However, *WordPerfect*

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merely discloses a Find/Replace function that allows searching for words, phrases, or codes and replacing those items. (The "code" option apparently relates to preassigned codes that, when selected, lets the user search for all specific values, e.g., a particular font size, assigned to that code.)

The proposed "enhancement" of *Underdahl's* Find/Replace dialog with *WordPerfect's* format capabilities, even if that change would have been obvious to one of ordinary skill, is irrelevant to Claim 2 and the present rejection. First of all, *WordPerfect* fails to supply the teaching missing from *Underdahl*, namely, determining and applying to plural fields of a find dialog in response to moving a cursor over the cell and clicking a mouse to select the cell containing those formatting characteristics. Secondly, one of ordinary skill, facing the problem solved by the Appellants, would have found no teaching in either reference to have combined those references as the rejection suggests, because the proposed combination would not address nor solve that problem. There is no motivation to combine the references in the manner proposed by the rejection, the proposed combination does not teach the features of the claim, and there is no motivation to modify the references to achieve the features and results of the claim.

Given what *Underdahl* discloses, that reference fails to teach at least one element of the Appellants' invention as defined in Claim 2. That missing element is not supplied or taught by *WordPerfect*. Accordingly, Claim 2 and the claims depending therefrom define a method that would not have been obvious to one of ordinary skill at the time the Appellants made their invention, and the first ground of rejection should be reversed.

Claim 22

The teaching deficiencies of *Underdahl*, discussed above with respect to the rejection of Claim 2, are incorporated by reference to explain why that reference, alone or

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in combination with the secondary reference, does not teach or suggest the features of Claim 22. *Underdahl* does not disclose or teach "choosing a plurality of formatting characteristics of a formatted cell in the spreadsheet by moving a cursor over the cell and clicking a mouse button to select the cell". *Underdahl* also does not disclose or teach "in response to selecting the cell, determining the formatting characteristics of the selected cell and populating the determined formatting characteristics to the fields in the find dialog." Those limitations, present in the computer-implemented method of Claim 22, come only from the present Applicants, not from *Underdahl* or *WordPerfect*.

The art applied to reject Claim 22 simply fails to teach or suggest a computer-implemented method in which formatting characteristics of a cell are determined and used to populate a plurality of fields of a find dialog, in response to selecting the cell. Appellants do not dispute that *Underdahl* and *WordPerfect* disclose selecting a cell, an act basic to contemporary spreadsheet programs. However, the mere knowledge of selecting a cell has nothing that would have suggested, to one of ordinary skill, a computer-implemented method for determining the formatting characteristics of the selected cell and populating those characteristics to fields in a find dialog, in response to selecting that cell. As discussed above with respect to Claim 2, neither reference discloses or suggests anything whatsoever for populating the fields of a find dialog with formatting attributes determined in response to selecting a formatted cell. Those teachings come only from the Appellants, not from *Underdahl* or *WordPerfect*. Accordingly, Claim 22 is patentable over that art.

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II.   Second Ground: Rejection Under 35 U.S.C. § 103(a) over *Underdahl* in view of *WordPerfect* and *Corel*

Claim 21, depending from Claim 2, adds that the step of choosing the plurality of formatting characteristics of the cell further comprises selecting an option of choosing those formatting characteristics from a formatted cell in the spreadsheet. In response to selecting that option, the shape of the cursor changes from a first shape to a second shape distinct from the first shape. That distinct second shape denotes to a user that moving the cursor over a cell and clicking the mouse button will determine formatting characteristics of that cell and apply those formatting characteristics to the fields of the find dialog.

Claim 5 depends from Claim 21, and adds that the second shape of the cursor is shaped like an eyedropper.

The rejections of dependent Claims 21 and 5 rely on *Underdahl* in view of *WordPerfect* as applied to parent Claim 2 in the First Ground of Rejection. *Corel* is cited as teaching special-shape cursors that indicate special functionality currently associated with that special cursor shape. Regarding Claim 5, *Corel* is cited for disclosing an eyedropper cursor, disclosed to "pick up" a color from a picture and set color as a primary, secondary, or background color (*Corel*, top of page 25).

However, *Corel*, alone or in combination, does not overcome the above-discussed failure of *Underdahl* and *WordPerfect* to teach a method for determining the formatting characteristics of a selected cell and applying those characteristic to populate a plurality of fields in a find dialog, in response to selecting that cell. For that reason alone, Claims 21 and 5 are patentable over the art applied to reject those claims.

Furthermore, one of ordinary skill in the art would see no need or application for changing the shape of the cursor by selecting a cell according to *Underdahl*. That

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reference teaches changing the display format of a cell by first highlighting the cell, then right-clicking inside the cell (or pressing F12) to open a dialog box. The user may then either select the default numeric format, or choose one of several specific numeric formats for the selected cell (*Underdahl*, page 193). The cell selection thus disclosed by *Underdahl* is merely that, causing no "special functionality" that might require a special cursor shape in addition to the usual highlighting indicative of cell selection. Accordingly, there is no motivation to combine *Corel* with *Underdahl* in the manner proposed by this rejection. Claims 21 and 5 are patentable over the applied art, and the rejection of those claims should be reversed.

III.   Third Ground: Rejection Under 35 U.S.C. § 103(a) over *Underdahl* in view of *WordPerfect* and *Corel*, further in view of *Excel*

Method Claim 6 depends from Claim 5 and defines the plurality of fields in the find dialog as comprising a plurality of certain specified fields. Claim 7 depends from Claim 6 and defines a computer-readable medium having computer-executable instructions for performing the steps recited in Claim 6. Claims 6 and 7 thus depend indirectly from Claim 2. The rejection of Claims 6 and 7 relies on *Underdahl* and *WordPerfect*, as discussed above in the First Ground of Rejection. The additional reference *Excel*, applied in the Third Ground of Rejection, is cited as disclosing characteristics comprising a plurality of number fields, a plurality of alignment fields, a plurality of font fields, a plurality of boarder fields, a plurality of pattern fields, and a plurality of protection fields.

The Appellants do not dispute what *Excel* discloses. However, *Underdahl* and *WordPerfect* fail to suggest, to one of ordinary skill, determining the formatting characteristics of a selected cell and applying those characteristics to a plurality of fields
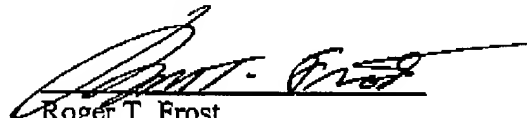
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in a find dialog, in response to selecting the cell. *Excel*, alone or in combination, does not

supply that missing teaching. Those required elements of Claims 6 and 7 do not find any

teaching or suggestion in the art applied to reject those claims. That rejection,

accordingly, should be reversed.

In closing, the Appellants respectfully submit that the rejected claims define

patentable subject matter over the applied art and request the board to reverse the

rejections of those claims.

Respectfully submitted,

MERCHANT & GOULD

Date: August 15, 2006

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CLAIMS APPENDIX

2.　A computer-implemented method for populating a plurality of fields in a find dialog of a spreadsheet program module, the method comprising the steps of:

choosing a plurality of formatting characteristics of a cell in the spreadsheet;

editing the plurality of fields in the find dialog to correspond to the plurality of formatting characteristics of the cell; and

wherein the step of choosing the plurality of formatting characteristics of the cell in the spreadsheet is performed in response to moving a cursor over the cell containing said plurality of formatting characteristics and clicking a mouse button to select the cell, whereby in response to selecting the cell the formatting characteristics of the selected cell are determined and applied to the plurality of fields of the find dialog.

5.　The method of claim 21, wherein the second shape of the cursor is shaped like an eyedropper.

6.　The method of claim 5 wherein the plurality of fields in the find dialog comprise a plurality of number fields, a plurality of alignment fields, a plurality of font fields, a plurality of border fields, a plurality of pattern fields and a plurality of protection fields.

7.　A computer-readable medium having computer-executable instructions for performing the steps recited in claim 6.

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21. The method of Claim 2, wherein:

the step of choosing the plurality of formatting characteristics of the cell in the

spreadsheet further comprises selecting an option of choosing the formatting

characteristics from a formatted cell in the spreadsheet; and

in response to selecting the option, changing the shape of the cursor from a first

shape to a second shape distinct from the first shape,

whereby the distinct second shape denotes to a user that moving the cursor over a

cell and clicking the mouse button will determine the formatting characteristics of that

cell and apply the formatting characteristics of that cell to the fields of the find dialog.

22. A computer-implemented method for populating a plurality of fields defining

certain formatting characteristics in a find dialog of a spreadsheet program module, the

method comprising:

choosing a plurality of formatting characteristics of a formatted cell in the

spreadsheet by moving a cursor over the cell and clicking a mouse button to select the

cell; and

in response to selecting the cell, determining the formatting characteristics of the

selected cell and populating the determined formatting characteristics to the fields in the

find dialog.

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EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None

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